

1 BROUSE MCDOWELL
2 JOHN M. SKERIOTIS, 0069263 (OH)
3 JILL A. BAUTISTA, 0075560 (OH)
4 388 S. Main Street, Suite 500
5 Akron, Ohio 44311-4407
6 Telephone: 330-535-5711
7 Facsimile: 330-253-8601
8 Email: jskeriotis@brouse.com
9 Email: jbautista@brouse.com
10 *Admitted Pro Hac Vice*

11 *Attorneys for Defendant*
12 *Midwest Industrial Supply, Inc.*

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UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA

SOILWORKS, LLC, an Arizona limited liability company,

Plaintiff / Counterdefendant /
Counterclaimant,

v.

MIDWEST INDUSTRIAL SUPPLY, INC.,
an Ohio corporation authorized to do
business in Arizona,

Defendant / Counterclaimant /
Counterdefendant.

NO.: 2:06-CV-2141-DGC

**MIDWEST INDUSTRIAL SUPPLY,
INC.'S RESPONSES TO SOILWORKS,
LLC'S SECOND SET OF
INTERROGATORIES AND SECOND
REQUEST FOR PRODUCTION OF
DOCUMENTS AND THINGS
ENTITLED COMBINED NON-
UNIFORM INTERROGATORIES
AND REQUEST FOR PRODUCTION
OF DOCUMENTS AND THINGS TO
MIDWEST INDUSTRIAL SUPPLY,
INC.**

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 34,
Defendant Midwest Industrial Supply, Inc. (“**Defendant**” or “**Midwest**”) hereby responds to
Plaintiff Soilworks, LLC.’s (“**Plaintiff**” or “**Soilworks**”), Second Set of Interrogatories and

1 Subject to and without waiving the foregoing objections, Defendant responds Plaintiff's
2 advertising including, but not limited to, its brochures, website and marketing materials.

3
4 **Interrogatory No. 7 (21)**

5 Please state each and every fact upon which you rely in support of your allegation in
6 paragraph 18 of your counterclaims that Soilworks has used and continued to use one or
7 more of Midwest's marks in commerce without Midwest's authorization. Please state which
8 of Midwest's marks are alleged to be used by Soilworks and how it is alleged that Soilworks
9 is using any such marks.
10

11 **ANSWER:**

12 Defendant incorporates herein the General Objections. Defendant objects to this
13 Interrogatory to the extent that it seeks confidential and proprietary information. Defendant
14 further objects that the Interrogatory seeks information protected by the attorney-client
15 privilege and/or the work product doctrine. Defendant will produce confidential information
16 only subject to the Agreed Protective Order in this proceeding.
17

18 Subject to and without waiving the foregoing objections, Defendant responds Ultra Pure,
19 Synthetic Organic Dust Control, and Oil Sheen Free.
20

21
22 **Interrogatory No. 8 (22)**

23 Please state each and every fact upon which you rely in support of your allegation in
24 paragraph 23 of your counterclaims that "Soilworks manufactures no product whatsoever."
25

26 **ANSWER:**
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